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MAY 07 2010

OFFICE OF PETITIONS

In re Application of
Gerd DANNER, et al.
Application No. 10/726,004
Filed: December 1, 2003
Attorney Docket No. **34874-**
082/2003P00266US

DECISION ON PETITION
UNDER 37.CFR 1.313(c)(1)

This is a decision on the petition under 37 CFR 1.313(c), filed May 5, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

Upon payment of the issue fee, an application will not be withdrawn from issue upon petition except for the reasons enumerated in 37 CFR 1.313(c). The circumstances of the above-identified application do not fall within any of those exceptions.

Petitioner requests the application be withdrawn from issue based on (2) consideration of a request for continued examination and for consideration of an information disclosure statement. Unfortunately, the required submission (in this instance, IDS) was omitted.

For the reason stated above, the petition under 37 CFR 1.313(c) cannot be granted at this time.

Petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. Note 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

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By fax: **(571) 273-0025**
 Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions